

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)
KELLOGG COMPANY, GENERAL)
MILLS, INC., and NESTLÉ USA, INC.,)
)
Plaintiffs,) No. 1:11-cv-08808
)
v.) Judge Steven C. Seeger
)
UNITED EGG PRODUCERS, INC.,)
UNITED STATES EGG MARKETERS,)
INC., CAL-MAINE FOODS, INC., and)
ROSE ACRE FARMS, INC.)
)
Defendants.)
)

**MOTION TO FILE REPLY BRIEF IN SUPPORT OF SANTIAGO PROFFER UNDER
SEAL**

Plaintiffs respectfully move the Court for leave to file their Reply Brief in Support of their *Santiago* Proffer under seal, pursuant to Federal Rule of Civil Procedure 26(c) and Local Rule 26.2.

In support of this motion, Plaintiffs state as follows:

1. Plaintiffs have today filed their Reply in Support of Their *Santiago* Proffer (the “Reply”). The Reply contains references to material which Defendants and non-parties have designated as confidential. Accordingly, under the Protective Order in this Case, Case Management Order No. 10 (Protective Order), and pursuant to Local Rule 26.2(c), Plaintiffs have provisionally filed the Reply under seal.

2. As the Seventh Circuit has recognized, a Court may keep documents or portions thereof under seal if “there is good cause for sealing a part or the whole of the record.” *Citizens First Nat'l Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 945 (7th Cir. 1999); *see also*

Local Rule 26.2(b) (applying “good cause” standard). Accordingly, the Court may seal filings if there are “legitimate concerns of confidentiality,” *Grove Fresh Dist., Inc. v. Everfresh Juice Co.*, 24 F.3d 893, 898 (7th Cir. 1994), such as where the information in question “meet[s] the definition of trade secrets or other categories of bona fide long-term confidentiality,” *Baxter Intern., Inc. v. Abbott Labs.*, 297 F.3d 544, 545 (7th Cir. 2002).

3. Here, Defendants and non-parties have designated information contained in the Reply as confidential. Under the Protective Order, Plaintiffs are required to file these materials under seal in any court filing. This presents a legitimate concern of confidentiality and gives good cause to file the Reply under seal.

WHEREFORE, Plaintiffs respectfully request the Court enter an order granting it leave to file its Reply under seal.

December 2, 2022

Respectfully submitted,

*Counsel for Plaintiffs Kraft Foods Global, Inc.,
General Mills, Inc., Nestlè USA, Inc. and The
Kellogg Company*

/s/ Brandon D. Fox

Brandon D. Fox
Amy M. Gallegos (*admitted pro hac vice*)
JENNER & BLOCK LLP
515 South Flower Street, Suite 3300
Los Angeles, CA 90071
Tel: (213) 239-5100
Fax: (213) 239-5199
bfox@jenner.com
agallegos@jenner.com

James T. Malysiak
Joel T. Pelz
Angela M. Allen
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
Tel: (312) 222-9350
Fax: (312) 527-0484
jmalysiak@jenner.com
jpelz@jenner.com
aallen@jenner.com

CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2022, I electronically filed the foregoing document, and all filings listed in this document, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all CM/ECF participants registered to receive service in this action. I further certify that I caused the foregoing document, and all filings listed in this document, to be served via electronic mail on counsel for all parties.

/s/ Brandon D. Fox
Brandon D. Fox